

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CR-16-185-F
)	
WAYNE BARNES,)	
)	
Defendant.)	

**RESPONSE IN SUPPORT OF DEFENDANT’S MOTION FOR EARLY
TERMINATION OF SUPERVISED RELEASE**

The United States submits the following response to Defendant Wayne Barnes’s Motion for Early Termination of Supervised Release, (Doc. 43), as directed by the November 30, 2022, Order of the Court, (Doc. 44). The United States does not object to Mr. Barnes’s request for early termination of his supervised release term.

Title 18, United States Code, Section 3583(e)(1) authorizes the district court to “terminate a term of supervised release and discharge the defendant . . . at any time after the expiration of one year of supervised release . . . if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.” The Court must consider some of the factors set forth in 18 U.S.C. § 3553(a), to the extent that they apply, in rendering its determination. 18 U.S.C. § 3583(e).

On February 9, 2017, Mr. Barnes pleaded guilty to depriving pretrial detainee K.W. of his constitutional right to due process of law, while acting under color of law, in violation of 18 U.S.C. § 242. (Doc. 19; *see* Doc. 1.) This Court later sentenced to Mr. Barnes to

51 months in prison, to be followed by 36 months of supervised release. (Doc. 37.) Undersigned counsel contacted Mr. Barnes's current United States Probation Officer, who reported that Mr. Barnes began his term of supervision on April 27, 2021, and has completed approximately nineteen-and-a-half of his 36 months. Mr. Barnes's term of supervision is set to expire on April 26, 2024. The United States Probation Office supports early termination of Barnes' supervised release.

In his Motion, Mr. Barnes details the everyday challenges he overcame in prison, and attests that he has grown and indeed, reformed, during his term of incarceration. (*See* Doc. 43.) He has paid his fines and court costs in full, and has served over one year of his supervised release term. For these reasons, and in consideration of the 18 U.S.C. § 3553(a) factors, the United States does not oppose early termination of Mr. Barnes's supervised release term. Mr. Barnes has demonstrated over one-and-a-half years of successful integration into society following his release from the Bureau of Prisons, and the United States defers to his Probation Officer's assessment that supervised release is no longer required.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on December 9, 2022, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants: Robert Wyatt

s/ *Julia E. Barry*

Assistant United States Attorney